

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CYTIE ANTONIO MORGAN,

Plaintiff,

v.

LOCAL UNION #417, INTERNATIONAL  
ASSOCIATION OF BRIDGE, STRUCTURAL AND  
REINFORCING IRONWORKERS,

Defendant.  
-----X

: Civil Action No.:  
: 07 Civ. 6229 (WCC)(GAY)

: **ANSWER**

Defendant, LOCAL UNION #417, INTERNATIONAL ASSOCIATION OF  
BRIDGE, STRUCTURAL AND REINFORCING IRONWORKERS, by its attorneys, Colleran,  
O'Hara & Mills L.L.P., hereby ANSWERS the allegations of the Complaint as follows:

1. Denies knowledge or information sufficient to form a belief as to the  
allegations contained in Paragraph numbered "1" of the Complaint.
2. Admits the allegations contained in Paragraph numbered "2" of the  
Complaint.
3. Denies the allegations contained in Paragraph numbered "3" of the  
Complaint and refer all questions of law to the Honorable Court.
4. Admits that Plaintiff commenced indenture as an Ironworker Apprentice  
having signed an Agreement with the Ironworkers Joint Apprenticeship and Training Committee  
and denies all other allegations contained in Paragraph numbered "4" of the Complaint.

5. Admits the allegations contained in Paragraphs numbered “5”, “6”, and “7” of the Complaint, except that there were eleven (11) apprentices in Morgan’s class and he was not the only non-white person in the class.

6. Denies the allegations contained in Paragraphs numbered “8”, “9”, “10”, “11”, “12”, “13”, “14”, “15” and “16” of the Complaint.

7. Denies the allegations contained in Paragraph numbered “17” of the Complaint and refer all questions of law to the Honorable Court.

8. Denies any knowledge or information sufficient to form a belief as to the allegations contained in Paragraph numbered “18” of the Complaint.

9. Defendant repeats and reiterates each and every allegation contained in Paragraphs numbered “1” through “18” of the Complaint as though fully set forth at length herein.

10. Denies the allegations contained in Paragraphs numbered “20” and “21” of the Complaint and refer all questions of law to the Honorable Court.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

11. Defendant repeats and reiterates each and every allegation contained in Paragraphs numbered “1” through “11” of the within Answer as though fully set forth at length herein.

12. Plaintiff’s complaint fails to state a cause of action against this answering defendant.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

13. Defendant repeats and reiterates each and every allegation contained in Paragraphs numbered "1" through "13" of the within Answer as though fully set forth at length herein.

14. Plaintiff has failed to exhaust his internal administrative remedies and/or other avenues of appeal.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

15. Defendant repeats and reiterates each and every allegation contained in Paragraphs numbered "1" through "15" of the within Answer as though fully set forth at length herein.

16. Plaintiff's purported Supplemental State Claim should be dismissed for lack of subject matter jurisdiction.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

17. Defendant repeats and reiterates each and every allegation contained in Paragraphs numbered "1" through "17" of the within Answer as though fully set forth at length herein.

18. Plaintiff was terminated from the Apprentice Program, upon information and belief, for violating the terms of the above mentioned Apprentice Agreement, to wit, excessive absences from class, non-attendance at Union meetings, poor job performance reports from Employers.

19. Plaintiff acknowledged that his absences from class were excessive by signing a document in the form of a written warning issued, upon information and belief, from the Joint Apprenticeship Committee Chairman, Matthew Gyida.

**WHEREFORE**, Defendant demands that the Plaintiff's Complaint be DISMISSED in its entirety, and for such other and further relief as to the Court deems just, proper and equitable, including without limitation, attorneys' fees and the costs associated with defending this action.

Dated: Garden City, NY  
September 14, 2007

COLLERAN, O'HARA & MILLS LLP

By: 

DENIS A. ENGEL

Attorney for Defendants

LOCAL UNION #417, INTERNATIONAL  
ASSOCIATION OF BRIDGE, STRUCTURAL  
AND REINFORCING IRONWORKERS

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